

ESTTA Tracking number: **ESTTA444030**

Filing date: **12/01/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201229
Party	Defendant Vitamin Shoppe Industries Inc.
Correspondence Address	TODD BRAVERMAN PEARL COHEN ZEDEK LATZER LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 UNITED STATES trademarks@pczlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Todd Braverman
Filer's e-mail	tm-uspto@pczlaw.com
Signature	/tjbraverman/
Date	12/01/2011
Attachments	Motion to Extend Discovery Deadlines - JOINT VITALITY.pdf (3 pages)(54016 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application No. 85071988

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MELALEUCA, INC.,)	
)	Opposition No 91201229
Opposer,)	
)	U.S. Application No. 85071988
v.)	
)	Mark: JOINT VITALITY
VITAMIN SHOPPE INDUSTRIES INC.,)	
)	
Applicant.)	
-----	x	

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION FOR AN EXTENSION OF
DISCOVERY OR TRIAL PERIODS WITH CONSENT**

Applicant, Vitamin Shoppe Industries Inc., through its counsel, hereby moves the Trademark Trial & Appeal Board to extend the time for the parties in the above opposition proceeding to exchange initial disclosures for thirty (30) days from December 2, 2011 and all subsequent discovery and trial dates for sixty (60) days from the dates listed in the Trial Schedule dated August 17, 2011 in accordance with the below revised trial schedule:

Initial Disclosures:	January 1, 2012
Expert Disclosures:	May 23, 2012
Discovery Closes:	June 22, 2012
Plaintiff's Pretrial Disclosures:	August 6, 2012
Plaintiff's 30 Day Trial Period Ends:	September 20, 2012
Defendant's Pretrial Disclosures:	October 5, 2012
Defendant's 30 Day Trial Period Ends:	November 19, 2012
Plaintiff's Rebuttal Disclosures:	December 4, 2012
Plaintiff's 15-day Rebuttal Period Ends:	January 3, 2013

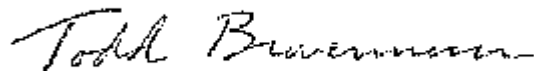
This time is needed in order for each party to confer with their respective clients and allow additional time to discuss discovery related matters and the possibility of settlement.

The foregoing motion is not being filed for the purpose of mere delay of the proceedings and favorable consideration of this request is respectfully solicited.

Petitioner has secured the express consent of all parties to this proceeding for the extension and resetting of dates requested herein.

Dated: New York, New York
December 1, 2011

Respectfully submitted,



By: _____
 Todd Braverman, Esq.
 Pearl Cohen Zedek Latzer LLP
 1500 Broadway, 12th Floor
 New York, New York 10036
 (646) 878-0820
 Attorneys for Applicant
 Vitamin Shoppe Industries Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application No. 85071988

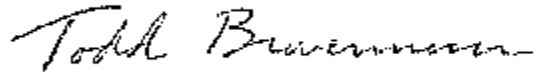
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CERTIFICATE OF FIRST-CLASS MAIL SERVICE

I hereby certify that a copy of the foregoing "MOTION FOR AN EXTENSION OF DISCOVERY OR TRIAL PERIODS WITH CONSENT" was mailed first-class mail, postage prepaid, to Krista Weber Powell, TraskBritt, P.C., 230 South 500 East Suite 300, Salt lake City, UT 84102, attorneys for Opposer, this 1st day of December, 2011.

Date: December 1, 2011



Todd Braverman Esq.